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# ***Legislation to Address Animal Welfare***

## ***Issues: Is this the Best Approach?***

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One in a Series of Educational Programs Presented by the

### **Future Trends in Animal Agriculture**

United States Department of Agriculture  
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Edited by

Richard Reynnells  
USDA/NIFA/PAS

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## **SPONSORS**

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The **Mission** of the FTAA is to foster and enhance balanced and enlightened public dialogue on topics related to the nature and future of animal agriculture.

The **Vision** is: to develop programs that are inclusive and national in scope, with the committee consisting of individuals from organizations representing academia, agribusiness, animal welfare, environment, university, government and others. The FTAA seeks to present timely issues in a balanced, innovative and thoughtful manner. The Committee also seeks to enhance public dialogue and understanding about the nature and future direction of animal agriculture, and the impact of their personal decisions on this process.

**FTAA Goals** are: 1. To facilitate genuine collaboration and the ability of farmers to produce food for society, while improving animal well-being. 2. To provide opportunities for dialogue and understanding of animal well-being, environmental and other issues in an atmosphere of mutual respect of consumers, farmers, advocates, commodity organizations, and others. 3. To provide information to identify critical animal production issues and enhance greater understanding of societal desires and trends that impact production agriculture.

## Preface

David R. Brubaker  
Southern Illinois University-Carbondale  
Co-Coordinator

and

Ken Klippen  
Sparboe Farms  
Co-Coordinator

One of the greatest ways to turn a good company, a good association, or a good agency into a great one is to develop a culture of critical thinking, and to welcome criticism from those within and outside of the organization. While we all have opinions about the present state of affairs, it is much more important that we understand what the actual situation is, how we got here, and that we can project into the future with reasonable accuracy. Whether you are an animal protection group, an agribusiness, a government agency or a university, you will need to understand reality and find ways to exploit the opportunities that present themselves. As Einstein noted, it is during the greatest periods of adversity that the greatest opportunities exist.

The Future Trends in Animal Agriculture provides a forum for those with an interest in animal agriculture, and from very differing perspectives. Debate and discussion helps to craft better legislation in Congress, and better helps to inform all who have an interest in issues concerning the welfare of animals in agriculture. Whether it is defending production practices or seeking to change them, Future Trends in Animal Agriculture provides a unique forum that is lacking elsewhere. The old adage holds true: "If two partners always agree, then one is not needed." We won't always agree, but our debate and discussion demonstrates that we need Future Trends in Animal Agriculture.

This meeting offers you an opportunity to learn how and why others may view animal production differently. Rather than viewing differences as threats, we urge you to view them as opportunities to learn more, to find good ideas, and to make your organization stronger. We welcome you and trust that you will have an interesting and productive day.



## Welcome

Kathleen Merrigan, Deputy Secretary  
US Department of Agriculture

Dr. Merrigan had a last minute conflict that resulted her cancelling her presentation.

### **Biographical information**

Before rejoining USDA, from July 2001 until she was confirmed by the U.S. Senate for this position Merrigan served as an Assistant Professor and Director of the Agriculture, Food and Environment Program at the Friedman School of Nutrition Science and Policy at Tufts University in Boston. In 2008 she was an expert consultant to the Food and Agriculture Organization (FAO) of the United Nations in Rome.

Merrigan served as Administrator of the Agricultural Marketing Service from 1999-2001. From 1994-99 she worked as a Senior Analyst for the Henry A. Wallace Institute for Alternative Agriculture, a Washington, DC-based organization which promotes research and education in sustainable agriculture. She was a Senior Staff Member of the U.S. Senate Committee on Agriculture, Nutrition, and Forestry from 1987-92, where she worked as the Chief Science and Technology Advisor to [then] Chairman Patrick Leahy (D-VT). During that time she helped develop the Organic Foods Production Act of 1990. She worked on pesticide issues as a Special Assistant to the Chief of Regulatory Affairs for the Texas Department of Agriculture, based in Austin, from 1986-87.

Merrigan served on USDA's National Organic Standards Board from 1995-99 and on the Department's Facilities Reform Commission from 1997-99.

Merrigan holds a Ph.D. degree in environmental planning and policy from the Massachusetts Institute of Technology, a Master of Public Affairs degree from the University of Texas, and a B.A. degree from Williams College.

## **National Legislation**

**The Honorable Steve King  
United State House of Representatives**

Representative Steve King (R-IA) grew up in a law enforcement family in Storm Lake, Iowa. He attended Denison Community High School, where he met Marilyn Kelly, whom he married in 1972. They have lived in Kiron for 32 years and are members of St. Martin's Church in Odebolt. Steve and Marilyn have three grown sons and three grandchildren.

King studied math and science at Northwest Missouri State University. He started King Construction in 1975 and built the business up from one bulldozer. He brings valuable knowledge to Congress as an agribusinessman and a small business owner for 28 years. King's oldest son now runs the construction business. He served in the Iowa State Senate for six years where he assumed roles as Chairman of the State Government Committee and Vice Chairman of the Oversight Budget Subcommittee. He was a member of the Senate Appropriations Committee, Judiciary Committee, Business and Labor Committee and the Commerce Committees. He worked in the State Senate to successfully eliminate the inheritance tax, enforce workplace drug testing, enforce parenting rights, including parental notification of abortion, pass tax cuts for working Iowans, and pass the law that made English the official language in Iowa.

King was elected to Congress in 2002 to represent Iowa's new fifth congressional district. He brings the concerns and ideas from people of the fifth district with him to work on the Agriculture Committee. He has long been dedicated to adding value as close to the corn stalk and bean stubble as possible, as many times as possible. The Fifth District ranks first in the nation for hogs and pigs and is one of the most productive areas in the nation for renewable fuels. King's very first bill in Congress was an expansion of a tax credit to small ethanol and biodiesel producers. His language was included in the Energy Users Act of 2005, which President George W. Bush signed into law.

As 97% of Iowa's businesses are small business, King received a special waiver to serve on the House Small Business Committee so he could work to restrict government regulations that impede the growth of business and jobs. King is also a member of the House Judiciary Committee, where he sits on the Constitution Subcommittee and is the top Republican on the Immigration Subcommittee. He believes the Constitution means what it says and that it should be read in light of the intent of our founding fathers. King is never caught without a copy of the Constitution in his coat pocket.

King also chairs the Conservative Opportunity Society, a powerful and legendary House caucus that is best known for energizing Republicans to regain the majority of the House of Representatives in 1994.

# **The Animal-Rights Legislative Game**

David Martosko  
Center for Consumer Freedom

Paper not provided. See power point section for slides.

## **Overview of state legislation**

Adrian Hochstadt  
American Veterinary Medical Association

Paper not provided. See power point section for slides.

# **The Source of Local and State Legislation: A Look Ahead**

Carolyn Orr  
State Agriculture and Rural Leaders

Paper not provided. See power point section for slides.

## **Panel: Which is the best way to address animal welfare issues: legislation or market demand?**

### **The Need for Laws to Restrict Inhumane Farming Practices**

Gene Baur  
Farm Sanctuary

Laws are enacted to uphold societal values and also to protect the interests of vulnerable individuals, and they are particularly important when powerful entities infringe on the rights of others and refuse to change their behavior voluntarily. Industrialized agriculture is an influential industry that behaves in ways that are inconsistent with societal values and harmful to societal interests, and it has been slow to acknowledge the need for reform.

On today's factory farms, animals are kept in conditions that are an affront to animal welfare and offensive to basic humane sensibilities. Agribusiness has wielded significant control over the legislative process in Washington, D.C. as well as in state capitals, and although various laws have been enacted to prevent cruelty to animals, animals exploited by agriculture are commonly excluded. Farm animals are not protected under the federal Animal Welfare Act and they are excluded from many state anti-cruelty laws. It is also worth noting that agribusiness receives preferential treatment when it comes to receiving government subsidies and tax breaks.

Living animals have been discarded on piles of dead animals or in trash cans. Sick and unwanted animals have been killed by egregiously inhumane methods, such as when thousands of live chickens (i.e. spent hens) were thrown into a wood chipper when they were no longer useful to an egg factory. Industries and individuals responsible for such acts are rarely prosecuted, and when they are, responsible parties are commonly found "not guilty" of cruelty to animals.

Agribusiness regards farm animals primarily as production units, rather than as living, feeling creatures, and they are typically denied basic humane considerations. As small farms have been replaced by large scale operations, the animals' welfare has suffered, along with the wellbeing of people in rural communities. Today, millions of farm animals live for months or years confined in cages and crates so tightly that they cannot walk, turn around or even stretch their limbs. They are unable to engage in basic natural behaviors and suffer both physical and psychological disorders. Consumers have been largely unaware of how farming has changed in recent decades, and they are commonly surprised and concerned when they learn about intensive confinement practices.

Most citizens oppose the inhumane treatment of animals, including animals exploited in agriculture, and as they learn about how farm animals are treated, they are demanding reforms. To date, citizens in three states – Florida, Arizona and California – have undertaken citizens' initiatives to require that certain farm animals be given at least enough space to turn around and stretch their limbs. Each of these efforts took place after the states' legislatures refused to enact reforms, which led humane organizations and citizens to collect signatures and qualify measures for their states' ballots. In each case, the initiatives were qualified and voters approved the citizens' proposals by strong margins.

There are indications that agribusiness leaders are coming to recognize the need to make reforms, but others in the industry appear to be digging in and defending the status quo. In the coming years, there will likely be ongoing discussions and battles over specific pieces of legislation that address farm animal welfare. Meanwhile, consumers are adjusting their eating habits and increasingly eschewing factory farmed foods, particularly animal products.

Agriculture is at a crossroads, and although current practices are being challenged, opportunities abound for innovation and entrepreneurship. Given that we all need to eat, the key question is: "What kind of food and how will it be produced?"



## **Panel: Which is the best way to address animal welfare issues: legislation or market demand?**

Steve Kopperud  
Policy Directions, Inc.

It is interesting, I think, when you philosophically discuss animal welfare. We tend to forget that when it comes to the underlying philosophy of farmers, ranchers, those who make a living slaughtering and selling foods of animal origin, and the animal movement there is really not, quite frankly, that big a gap. The ultimate goal is the welfare of the animal. However, in this context I'm talking "welfare" – not the "right" of animals to share the planet equally with man, not the movement which seeks to end all use of animals to serve humankind. I'm talking that small majority of activists who seek "welfare."

Where we depart is on two levels. Most materially, we depart on what is the definition of that welfare. Secondly, the ultimate use of the animal. If the question is posed relative to what is the best arbiter, of welfare, whether it is market demand relative to legislation, I will go with market demand every time.

Legislation is a clumsy and imprecise process. Legislation is generally brought by someone with a vested interest in the outcome, and in the case of animal welfare that outcome is generally curtailing or ending a practice. So, when it comes to legislation related to welfare if you must first find a consistent definition of what that welfare might be, and inevitably we have an all-or-nothing kind battle.

We in agriculture are dealing with those who would ultimately seek to end the use of animals in food production. And it may not be through a particular piece of legislation being fostered but it may be part of what is known as a step-wise approach. A little bit now, a little later, and pretty soon you have made material change. And we are generally dealing with a movement that gives us an all-or-nothing ultimatum: "You will either do it our way or we will bring legislation."; "You will do it our way or we will do public relations"; "You will do it our way or we will picket, we will demonstrate, we will do what is necessary." And quite frankly, if I were an animal rightist, if I were part of that movement, I would probably operate in the same way.

But, to seek legislation for fund-raising purposes, to seek legislation for the purpose of basically imposing what is known to be a minority philosophy on the majority of the public, that is wrong. That is a cynical use of the system. It is the wrong use of legislation, and it leads us directly into the ugliness that is what we know here in DC to be the law of unintended consequences.

Ultimately, welfare is a perception. We in agriculture rely on what we can measure as a component of welfare. It is not our philosophy to wonder what that animal might be "thinking," but we know what that animal is doing and we know how that animal is acting. We live with it.

Agriculture is, the only vocation that is also a life-style. It isn't that we go home at 5:00 o'clock and the new shift comes on to take care of the animals. Farmers and ranchers live with their animals. They are with those animals because they want to be there. Look at the profitability of livestock production and you know it takes a particular kind of person to do it. And that is the kind of person who is willing to forego profit in order to stay on the land.

There is an assumption that we are a static industry, that we do certain things the way we do because we have always done them that way. That is in part true. Because those practices that we used 10 or 15 years ago are still working. They ensure welfare. Part and parcel of everything we do -- individual images notwithstanding -- has a welfare component to it. But as Congressman King pointed out, if it were simply the ultimate fate of the animal that we were discussing it would be a different conversation. And as Gene acknowledges, the job of a farmer is to provide food.. The reality that is ignored generally in philosophical movements because if



we abandon animal agriculture as some advocate we cannot provide food, certainly not enough for this country, certainly not enough for the rest of the planet.. Quite frankly, the planet cannot support sufficient plant production to be able to feed 300 plus million in this country and over 700 billion around the world. FAO estimates that we will have to increase food production by 50% to meet growing population. You cannot do that with crops, short of building 20-story hydroponic gardens in major cities, a movement that has only just begun in the developed world. But the bottom line is, market demand. Legislation? I will always take market demand over legislation.

We have a Congress that as Steve King pointed out, is increasingly non-rural in its understanding or its sympathies. Animal welfare is an emotional issue. It is an issue, that one Congressman once said to me, "I would rather deal with the abortion issue, it is less emotional." Look at FDA -- can anyone in the room tell me what issue before FDA drew the most consumer concern? It was the melamine contamination of pet food. More calls, emails, letters, contact with the agency than any food safety issue, any pediatric medicine issue. And I think what that speaks to is our relationship to animals generally.

But, legislation, if it is good legislation, if it is informed legislation, needs to address an acknowledged national problem if it is to be federal, and a widespread acknowledged state or local issue if it is done at state assemblies. I submit to you animal cruelty or lack of welfare in animal production is neither of those things. We have individual problems. We have specific issues of bad actors. As Gene said, every philosophy and every activity does. There are whack-jobs on the other side who would simply burn or destroy in order to make a point because the system moves too slowly for them. But by the same token, ultimately the decision has to be made by the consumer. The individual citizen of the country. They will decide what they are going to eat. They will decide where they buy it. They will decide how much they eat. They will decide how they prepare it. There is nothing in our day-to-day lives that is more personal than food. This is an issue considered by consumers to be the one of last two components of their daily lives that they control. Again, I will decide what I eat, when I eat, how much I eat, where I purchase it, how I prepare it. That is my right. The government should not be dictating to citizens what they will eat.

But, if market demand is going to drive this issue, it must be an informed market demand. It has to have equanimity to it. There must be a lack of propaganda. There must be a lack of fabrication. There must be a lack of exaggeration when talking to the consumer. I am the first to acknowledge, animal agriculture has done an absolutely crap job of talking to the public. We spend our time, our energy and our money selling products. What we have not done and what we must do is continue to do is sell the process along with the producer and the process. The public wants the assurance that what they believe is happening on the farm is what happens on the farm. They want to be assured. They do not want to get down in the weeds and talk about ear notching, tail docking, needle teeth trimming. They do want to know that the people who produce their food are in fact responsible, caring, compassionate, ethical people. We are. We are just not telling anybody we are.

I think when we talk about defense versus offense, we spend way too much time responding to campaigns. We spend way too much time worrying about what Wayne Pacelle is doing, or what Gene may be doing in the states, and we don't spend enough time, we don't spend enough effort, we don't spend enough money talking to the people who buy our products. I submit to you that the public wants and must hear from us. If they don't we abandon the playing field to the other side. We will perpetually be on defense.

One of the reasons agriculture reacts to violently when we see naive pieces of legislation introduced in Congress is because we know that emotion will drive the bill. We know, that for instance horse slaughter, which is probably the most classic case of unintended consequences I have ever seen in a philosophy-driven piece of legislation, that the public will automatically assume, "well, gee, we don't eat horses in the United States, so why would we allow them to be slaughtered and sold for export?" My point being, there is no informed debate on those kinds of

things. There is no hearing. There is no back-and-forth. There is not, as Gene says, discussion. It is usually something that happens at the 11<sup>th</sup> hour, it is usually attached to another piece of legislation that is designated as "must pass", it is usually moved into a committee which has absolutely no idea what it is talking about, but there is a political debt to be paid. I wish I had Wayne Pacelle's ability. If I could walk into a congressional office and the first words out of my mouth were "we have 10 million members and 22,000 on average in every congressional district", I have that member's attention in a heartbeat. But, the naive assumption is that all 22,000 members of the Humane Society in that district would vote as the Humane Society told them to. No movement has that power.

So, I will go for market demand. But as I say, I want market demand that is informed market demand. I don't want companies being blackmailed. I don't want animal rightists going into corporations who are concerned about protecting their brand, and threatening them. "If you don't do this and you don't do it by our deadline, we will set up pickets around your outlets, we will show up at your annual meeting, and hey we may even hit your CEO with a tofu pie." That is not informed discussion. That is blackmail. That is intimidation.

I don't like the idea that PETA can be as wacky as it wishes to be, yet a Humane Society can walk in behind them and portray itself as moderate. Moderate in the context of PETA? Just about anything is moderate in the context of PETA. But if the ultimate goal, if there is no public denial by the Humane Society or other groups that the ultimate goal is to take meat off the table to remove meat from Western culture, then there is very little room for discussion. You know, it is kind of like you are negotiating your time of death. If somebody ultimately wants to put me out of business, as Steve King pointed out, why then do I sit down with them to negotiate? What is there to negotiate?

So, I'll take market demand every time, over legislation. Like I say, legislation has the unfortunate outcome, generally, that there is always an unintended consequence. No matter how thoughtful somebody is, no matter how concerned they are, nobody quite knows what a law is going to bring when it comes to unintended consequences. In the case of horse slaughter, when the House passed that bill, and Texas and Illinois rolled over for the Humane Society, the unintended consequence for which I have yet to see a solution, is over 100,000 unwanted horses in the United States. It was a violation of personal property rights in the United States, it took from farmers an income source. As I say, I have yet to see a solution offered or put forward by any national animal welfare or rights group as to what we do with 100,000 abandoned horses. The shelters can't afford them. The shelters are actually shutting down. Yet, we have over 100,000 abandoned horses.

The consequence of imposing upon a farmer an inefficient or archaic production practice, if you tell a farmer to go back to the way his grandparents farmed, will be to impact every consumer's ability to buy the food they want at a price they can afford, in a variety in which they can make a choice and with the full confidence of the safety of that product. I listened to a businessman in Ohio once talk about the notion of going back to 1930s agriculture, or at the very least adopt an all organic system, and this gentleman made the point "Best as I can recall, we tried that whole organic thing. It didn't work out so well".

We must embrace technology, and consumers must understand that technology is the only way a food system with less than a million full-time producers can keep them fed. The notion that technology is bad, that corporations are automatically bad, that big is automatically bad, is not only naive, it is just stupid. You cannot maintain a food production system that feeds 300 million-plus Americans and 7 billion people around the world by going organic and natural. It is simply a fact of life. It cannot be done. The WHO will tell you that. FAO will tell you that. The European Food Safety Authority will tell you that. And any scientist worth his salt will tell you that. So, I will take informed market demand every time.

Is agriculture perfect? Absolutely not – no human endeavor ever is. Are we static? Absolutely not. We pride ourselves on adopting science that works. We reject science that doesn't. Nobody rejects a technology faster than a farmer. But by the same token, are we about to surrender? Are we about to sit down and say, "OK, we will negotiate the time of our death." That is not going to happen. What we are going to do is make sure that the public understands us. We will reignite, if you will, the public's appreciation for us. We have let that slip. We are going to talk about our processes. We are going to talk our products. But more importantly, we will talk about our producers.



# **Summary of the CAST Symposium - Sustaining Animal Agriculture: Balancing Bioethical, Economic & Social Issues.**

Gregory P. Martin  
The Pennsylvania State University Cooperative Extension

My assignment is to summarize a three-day symposium from which a 363 page proceedings was produced. This read is not for the faint of heart but is well worth reviewing. Full-length copy of the proceedings from the symposium is available from CAST at their website: [www.cast-science.org](http://www.cast-science.org) or at the National Agricultural Library, Animal Welfare Information Center at <http://www.nal.usda.gov/awic>. I suggest that you first download the document before bringing it up in adobe acrobat reader.

## **Summary of High Priority Items**

Since most folks skim or skip proceedings, I decided to start with the summary of what I consider to be items of most importance from this symposium. Much of what I am going to say may be things you have heard before, but it bears repeating, as these salient points were consistently seen throughout the conference.

### **\* Food is a STRATEGIC RESOURCE!**

In economic theory, one of the classic examples of utility and price is the comparison of water and diamonds. As water becomes scarce, diamonds lose their value in trade. We can substitute food as well into this paradigm. Food abundance and quality issues are apparent to us when we see breaks in the US food system as seen in hurricane Katrina. Looting and civic unrest ensues when even a few days of broken food supply is seen. Ample supplies of food of high quality have become an expectation in the US.

### **\* There are competing ideas of what is normal for food production, and its effects on animals (positive / negative).**

The farming community has held a long time commitment to care that is seen differently by others in society. The idea of "care" has different connotations and expectations. While aspects of animal food production may seem to be valid to some they are not valid to all, and are the basis for the convergence of ideas of what is ideal care for food animals.

### **\* The Public is far removed from production, processing and food distribution.**

Since 98% of the US population is not on a farm producing food, many have very little experience on how food is really produced. This includes the progression of production practices with reasoning for the implementation of certain production systems. Since they do not have first hand knowledge, many who are interested have to rely on second-hand information proposed by those commenting or reporting on the issue. This is sometimes confounded by the experience, background, and goals of the reporting source.

### **\* Small changes in food policy have a huge impact in certain parts of the food chain.**

Changes in the food system (as seen with the ban on horse slaughter in the US) demonstrated clearly severe impacts to areas within the equine industry. It could be argued that in the short-term, systems that were to handle horses were not sized adequately to handle unwanted horses after the market dropped. It remains to be seen if the market will recover after years of correction takes place. The welfare of horses in the US may have suffered during this period as caretakers were ill prepared for the sweeping changes brought on by the closure of the major processing plants in the U.S. Whenever there is a change in food policy we seem to see

unforeseen consequences occur within the system that add cost, create hardship, or both for U.S. consumers.

\* Dialog needs to continue – move carefully

It goes without saying that the dialog between the public, the farming community, engaged organizations representing concerns on animal production and welfare, food purveyors and the government should continue as long as necessary. This is important if we are going to identify concerns that need to be addressed by each group in the discussion when animal production is being scrutinized. There is an identified continuum of diversity of thought as to what is proper, and each needs to express their ideas in order to be heard. Adequate reason needs to be applied in order to drive towards a consensus of rule.

### **Focus Points of the Symposium**

Bioethical and animal welfare Issues. The majority of presentations were made to discuss points of concerns of advocates on all sides of the issues concerning food animal production. It is apparent that there are many focus points of concern and points of view to deal with each on this subject.

Analysis of certification and regulatory programs. Certifying bodies and auditing systems for the various food production regulatory programs have been discussed as to who is best situated to perform this service. First, second and third party audits are routinely performed in the industry, and time will tell if adequate coverage of the programs in place is being supported by an auditing core. Results of audits to spot checks may be needed to ensure reliability. Some third party groups are doing this as a matter of operation.

Integration of competing concepts surrounding the ethical use of food animals. Consumers for one reason or another will find it ok to treat pets, livestock and children differently. Caging laying hens may be bad, but it may be OK to crate train dogs and to place children in playpens for their own protection. There seems to be also a mindset of “Social Imperialistic Dominion” that one group or area of society will dictate the tenants of keeping animals over that of another. When this happens over that of simple choice or market pressure, the cost of feeding the nation will rise in the short term. Fighting the ideals of what I call “old MacDonaldism” whereby a “farm” can only be viable if it fits my value set may no longer be economically viable. Economies of scale and market support need to be present in sufficient numbers if alternatives to the current systems of production are to be sustainable.

Long-Term survival of our ag system / food security. Our current system of food production will need to scale up in order to fulfill future growth in the US population. Variations in the current methods of production need to be assessed in terms of viability in order to secure ample supplies of high protein in order to feed a growing population. Having production local to consumption does have its advantages and the outsourcing of production to other countries may prove problematic in times of discord between nations. There may be risk at placing all production of the major commodities in one area or in one method of production. Case in point would be the truck crops seen in California, or citrus fruit from Florida.

Societal and global impacts. We are no longer working in a vacuum and in many cases; the USA is no longer the largest player in the world market. This means that in some commodities changes made outside of the US may make for spot shortages or that the food we may be accustomed to may no longer be available for purchase. As was seen in the horse slaughter issue, markets for the sale of that meat was changed from the US to other countries.

Consequences of decisions by consumer and government decision makers. There are decisions being made in connection to animal production in this country that may have lasting implications on the US food supply. Some of this is being done in a vacuum quickly and in other cases after a long process of hearings and discussions. The discussions for the most part

have expressed the need for a continuing dialog between interested parties when it comes to animal welfare issues and animal production methods. Each party has to express succinctly what it needs in order to address concerns that present and to avoid later confrontation when avenues of dialog are cut. A running dialog is needed for continual improvement and feedback for all parties.

## **The Changing Paradigm**

As we move forward as a country, the environment for producing food will be consistently in flux, as outside pressures placed upon the farming community will in turn affect the quantity and quality of foodstuffs for the American consumer. A few pressures to note:

- \* Fewer people on the farm (2%). We can also add to this the fact that the average age of the farmer is creeping upward as well.
- \* Shrinking available inputs (land, water) in some areas. When we consider the fact that, some crops are only grown in certain climates this means that yields will need to increase on the current footprint in order to keep up with demand. Concentrated animal production allowed farms to maximize production on a small footprint in order to stay competitive.
- \* Some climate / soil zones only found in certain areas. With encroachment by society, the farming community is pressured by competing land use needs to produce and still stay competitive with current debt and tax loads. Zoning and use restrictions are confounding factors in this issue.
- \* Population continues to grow in the world. How do you feed 300 million people (and growing) with a shrinking land mass that can be devoted to agriculture? If local production is to remain close to consumption points, all aspects of farm production need to be sustained.
- \* The U.S. still holds a competitive advantage in some commodities. Because of the land area in the Midwest and diversity of crops grown in other areas, the U.S. is still

competitive in the world in certain classes of farm products and produce. It remains to be seen if this will be sustained given pressures on production.

## **Impressions from the Agricultural Community Regarding Food Animal Welfare & Agricultural Regulation**

In looking for what the perspectives of farmers producing animal products, and others, were in relationship to regulation of food animal welfare and agricultural practices, we conducted a survey of farm-related groups for their impressions. These groups included organized associations and groups including the Farm Bureau, Grange, Cooperative Extension Agents, independent farmers and others who impact animal agriculture. I am including some of the key impressions made from these respondents as they relate to legislation concerning animal agriculture. While all comments from respondents are included in the proceedings, selected questions and responses are reported below:

- \* Who should make regulator decisions related to food animal agriculture?

|   | <u>Percent</u> |
|---|----------------|
| Producer associations & farm groups             | 51.8           |
| Neither – change should come from market demand | 28.4           |
| Elected legislative bodies                      | 12.7           |
| Voters Via Ballot initiatives                   | 7.2            |

Farmers feel since they are on the farms producing the food and keeping animals, they were best suited to help determine food animal policy.



- \* Do consumer's food expectations match proposed & mandated demands placed on food animal producers?

|          | <u>Percent</u> |
|----------|----------------|
| No       | 72.3           |
| Not sure | 16.4           |
| Yes      | 11.3           |

- \* Do you think consumers are willing to pay for increased food costs due to certification or regulatory programs?

|          | <u>Percent</u> |
|----------|----------------|
| No       | 59.2           |
| Not sure | 21.0           |
| Yes      | 19.8           |

Farm groups look at legislation as underfunded or unfunded mandates to the farming community.

- \* What impact do animal welfare ballot initiatives and propositions have on farms of size / scale?

|        | <u>None</u> | <u>Mild</u> | <u>Moderate</u> | <u>Severe</u> | <u>Not Sure</u> |
|--------|-------------|-------------|-----------------|---------------|-----------------|
| Small  | 3.6         | 17.3        | 17.5            | 52.5          | 9.1             |
| Medium | 0.8         | 4.5         | 39.0            | 46.0          | 9.6             |
| Large  | 3.8         | 13.3        | 21.0            | 49.9          | 10.9            |

This was a very telling response. It shows how the scale of production affects the needs of the farms to comply with regulation. Small farms are often exempt from certain rules, while larger farms can pay for compliance agents and programs within farm resources. In the middle is the farmer who is required to comply yet may feel that there are few resources in order to meet the demands placed upon them.

- \* What are the unintended consequences of current and proposed animal welfare ballot initiatives on the structure of agriculture? (multiple selections possible)

|   | <u>Percent</u> |
|---|----------------|
| No change                                   | 0.8            |
| Not sure                                    | 6.0            |
| Create a change in the quality of products  | 34.9           |
| Increased concentration of Ag               | 43.4           |
| Create a change in the quantity of products | 49.7           |
| Decreased number of producers               | 77.4           |
| Increased cost of products                  | 85.3           |

### **Future Implications**

Given the current implications, the future holds some interesting challenges. With the population increasing, agriculture will be forced to produce more food on a smaller footprint from its current fifty-eight percent of usable soils. To do this several strategies have been forwarded for consideration. This includes increasing yields via genetic improvement of the ten crops that account for 80-85% of the calories consumed. Degraded lands will have to be reclaimed and improved for crops that can be placed on those lands. Technology will play a part in cultural practices that will aid in boosting yields.

Producers and society will also need to look at ways of reducing post harvest food waste, and to distribute food to areas of the world that are consistently underfed. Other policy efforts include

the trading of carbon credits, zoning for agricultural production, agricultural protection zones, and balancing water use for consumption and crop production.

Trade may continue to grow for some countries, but due to the increases in population may still only account for less than ten percent of any one country's production. In each case, demand for inexpensive plentiful food supplies will continue while producers balance those demands in accordance to current animal welfare programs. Common sense needs to prevail if the farming community is to succeed in this task. Dialog should continue as well when these factors do not agree. Consensus between producers and consumers will help prevent the disasters seen in the past as we move forward.



**Panel: The Impact of Certification and Regulatory Programs on the  
welfare of farmers and animals**

Stephen Gray  
Springer Mountain Farms

Paper not provided. Power point not used.

**Panel: The Impact of Certification and Regulatory Programs on the  
welfare of farmers and animals**

Jamie Jonker  
National Milk Producers

Paper not provided. See power point section for slides.

**Panel: The Impact of Certification and Regulatory Programs on the  
welfare of farmers and animals**

Emile DeFelice  
Caw Caw Creek Farm

Paper not provided. Power point not used.

## **Panel: Global Trade and Animal Welfare Issues**

### **Introductory Comments**

Kay Johnson Smith, Panel Chair  
Animal Agriculture Alliance

Paper not provided. Power point not used.

## **Panel: Global Trade and Animal Welfare Issues**

**OIE**

Erick Nichols  
APHIS/USDA

Paper not provided. See power point section for slides.

## **Panel: Global Trade and Animal Welfare Issues**

### **Canada**

David Trus  
Agriculture & Agri-Food Canada

Paper not provided. See power point section for slides.

# APPENDIX A

## Program and Speaker Contact Information

### Morning Moderator:

Richard Reynnells, National Program Leader  
Animal Production Systems  
USDA National Institute of Food and Agriculture, Plant and Animal  
Systems  
800 9<sup>th</sup> Street, SW, Room 3140 Waterfront Centre  
Washington, DC 20250-2220  
T#: 202.401.5352  
F#: 202.401.6156  
Email: rreynnells@csrees.usda.gov

8:05 - 8:20 a.m.

### **Welcome**

Kathleen Merrigan, Deputy Secretary  
US Department of Agriculture  
Washington, DC

8:20 – 8:40 a.m.

### **National Legislation**

The Honorable Steve King  
United States House of Representatives

8:40 – 9:00 a.m.

### **The Animal-Rights Legislative Game**

David Martosko, Director of Research  
Center for Consumer Freedom  
1090 Vermont Ave, NW, Suite 800  
Washington, DC 20005  
T#: 202.463.7112  
F#: 202.463.7107  
email: Martosko@ConsumerFreedom.com  
ConsumerFreedom.com

9:00 - 9:30 a.m.

### **Overview of state legislation**

Adrian Hochstadt  
Director, State Legislative and Regulatory Affairs  
American Veterinary Medical Association  
1931 N. Meacham Road  
Schaumburg, IL 60173  
T#: 847-285-6780  
email: ahochstadt@avma.org  
[www.avma.org/advocacy/state/default.asp](http://www.avma.org/advocacy/state/default.asp)

9:30 – 10:00 a.m. **The Source of Local and State Legislation: A Look Ahead**  
Carolyn Orr  
State Agriculture and Rural Leaders  
Strawridge Services  
6181 W State Road 28  
West Lebanon, IN 47991-8054  
  
Tel: 765.893.8209  
Fax: 765.893.8286  
email: [corr@agandruralleaders.org](mailto:corr@agandruralleaders.org)

10:00 – 10:15 a.m. **Break**

10:15 – 11:00 a.m. **Panel: Which is the best way to address animal welfare issues: legislation or market demand?**

Gene Baur  
President and Cofounder  
Farm Sanctuary  
PO Box 150  
Watkins Glen, NY 14891  
T#: 607-583-2225 ext. 227  
F#: 607-583-2041  
email: [gene@farmsanctuary.org](mailto:gene@farmsanctuary.org)  
[www.farmsanctuary.org](http://www.farmsanctuary.org)  
[www.genebaur.org](http://www.genebaur.org)

Steve Kopperud  
Executive Vice President  
Policy Directions Inc.  
818 Connecticut Avenue NW  
Suite 950  
Washington, DC 20006

T#: 202-776-0071  
C#: 202-276-9196  
F#: 202-776-0083  
email: [skopperud@poldir.com](mailto:skopperud@poldir.com)

11:00 – 11:20 **Summary of CAST's symposium: Sustaining Animal Agriculture: Balancing Bioethical, Economic and Social Issues**

Gregory P. Martin  
Poultry Extension Educator, Southeast Region  
Pennsylvania State University Extension  
1383 Arcadia Road, Room 140  
Lancaster, PA 17601-3149

T#: 717 394-6851  
F#: 717 394-3962  
email: [gpm10@psu.edu](mailto:gpm10@psu.edu)



11:20 - 11:30      **Discussion with all morning speakers**

11:30 a.m. - 1:00 p.m. **Lunch**

**Afternoon Theme: National and International Welfare Requirements**

**Afternoon Moderator:**     David R. Brubaker  
Southern Illinois University-Carbondale  
145 South Spruce Street  
Lititz, PA 17543  
T#:     717.627.0410  
F#:     717.627.1847  
email: PennsylvaniaB@aol.com

1:00 - 2:00 p.m.     **Panel:            The Impact of Certification and Regulatory  
                                 Programs on the welfare of farmers and animals**

1.     Stephen Gray, Director of Special Projects  
        Springer Mountain Farms  
        P.O. Box 516  
        Mt. Airy, GA 30563  
        C#:     706.499.6258  
        O#:     706.778.5100 E 1115  
        F#:  
        Email: stephengray@fieldale.com  
              WwW.SpringerMountainFarms.com

2.     Jamie Jonker  
        National Milk Producers  
        2101 Wilson Blvd. Suite 400  
        Arlington, VA 22201  
        T#:     703.243.6111  
        F#:     703.841.9328  
        Email: jjonkernmpf.org

3.     Emile DeFelice  
        Caw Caw Creek Farm  
        709 Woodrow St. #220  
        Columbia, SC 29205  
        T/F#:    803.917.0794  
        email: emile.defelice@gmail.com  
              www.facebook.com/cawcawcreek  
              www.cawcawcreek.com  
        Market:     www.facebook.com/stateplate  
                      www.stateplate.org

2:00 – 2:30 p.m.     **Break**

2:30 – 3:45 p.m. **Panel: Global Trade and Animal Welfare Issues**

**Chair:** Kay Johnson, Moderator, with introductory comments

Kay Johnson Smith  
Animal Agriculture Alliance  
1501 Wilson Boulevard, Suite 1100  
Arlington, VA 22209  
T#: 703.562.5160  
F#: 703.524.1921  
Email: [kjohnson@animalagalliance.org](mailto:kjohnson@animalagalliance.org)

1. OIE: Eric Nichols  
USDA, APHIS, Veterinary Services, Farm  
Animal Welfare  
4700 River Road, Unit 46  
Riverdale, MD 20737  
T#: 301.734.  
F#:  
email: [Eric.S.Nichols@aphis.usda.gov](mailto:Eric.S.Nichols@aphis.usda.gov)
2. Canada: David Trus  
Animal Industry Division  
Agriculture & Agri-Food Canada  
1341 Baseline Rd., T5-2-316  
Ottawa, Ontario K1A 0C5  
  
T#: 613-773-0231  
F#: 613-773-0300  
email: [David.Trus@agr.gc.ca](mailto:David.Trus@agr.gc.ca)

3:45 - 4:00

**Discussion with all afternoon speakers**

# **APPENDIX B**

## **2010 List of Coordinators**

David R. Brubaker, Co-Coordinator  
Southern Illinois University-Carbondale  
145 South Spruce Street  
Lititz, PA 17543  
T#: 717.627.0410  
F#: 717.627.1847  
email: PennsylvaniaB@aol.com

Ken Klippen, Co-Coordinator  
Executive Director of Government Relations and Animal Welfare  
Sparboe Farms  
T#: 610.415.1055  
C#: 484/744-3851  
email:

Kathi Brock, Director of Strategic Partnerships  
American Humane Association  
63 Inverness Drive East  
Englewood, CO 80112  
T#: 303.639.1198  
F#: 303.692.9272  
email: kathib@americanhumane.org

W. Ray Stricklin  
Animal and Avian Sciences Department  
University of Maryland  
College Park, MD 29742-2311  
T#: 301.405.7044  
F#: 301.314.9146  
email: wrstrick@umd.edu

Wendy Swann  
Animal Welfare Institute  
900 Pennsylvania Avenue, S.E.  
Washington, DC 20003  
T#: 202.337.2332  
F#: 202.446.2131  
email: wendy@awionline.org  
[www.awionline.org](http://www.awionline.org)  
[www.compassionindex.org](http://www.compassionindex.org)

Adele Douglass, Executive Director  
Humane Farm Animal Care  
P.O. Box 727  
Herndon, Virginia 20172  
T#: 703.435-3883  
F#: 703.435.3981  
email: [adele@certifiedhumane.org](mailto:adele@certifiedhumane.org)

Gail Golab, Director, Animal Welfare Division  
American Veterinary Medical Association  
1931 North Meacham Road, Suite 100  
Schaumburg, Illinois 60173-4360  
T#: 847.285.6618  
F#: 847.925.1329  
email: [ggolab@avma.org](mailto:ggolab@avma.org)

Richard Wood, Executive Director  
Food Animal Concerns Trust  
P. O. Box 14599  
Chicago, IL 60614  
T#: 773.525.4952  
F#: 773.525.5226  
email: [rrwood@fact.cc](mailto:rrwood@fact.cc)

Richard Reynnells, NPL, Animal Production Systems  
USDA NIFA, PAS  
800 9<sup>th</sup> Street, SW, Room 3140 Waterfront Centre  
Washington, DC 20250-2220  
T#: 202.401.5352  
F#: 202.401.6156  
email: [rreynnells@csrees.usda.gov](mailto:rreynnells@csrees.usda.gov)

# APPENDIX C

## Power Point Presentations

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| <b>The Source of Local and State Legislation: A Look Ahead</b>  |             |
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# The Animal-Rights Legislative Game

David Martosko  
Center for Consumer Freedom

**David Martosko**  
Martosko@ConsumerFreedom.com

**HumaneWatch.org**  
**PETAkillsAnimals.com**  
**ActivistCash.com**

The Center For  
Consumer Freedom

**Legislative frameworks**

Liberal vs. Conservative  
Incumbent vs. Challenger  
Strategic thinking vs. Opportunism  
Fiscal Issue vs. Social Issue  
Short-term vs. Long-term  
Majority interest vs. Minority demands

Consumer Freedom The animal-rights game

**Offense vs. Defense**

Consumer Freedom The animal-rights game

**Offense:**

- sets the agenda
- moves the ball
- scores most of the points
- determines the pace of the action
- in an endless game, can only be defeated by its own errors & ineptitude



## The problem

The animal rights movement is playing offense.

Everyone else in this room is playing defense.

## The animal-rights game

### Offense:

- agenda = veganism
- the ball = legislation  
(+ litigation and regulation)
- points = short-term victories
- pace = slow and steady "running game"
- most frequent error = over-reaching

## Everyday mistakes

### Offense:

- Greed (Over-reaching)

### Defense:

- Complacency (Failure to Imagine)
- Poor clock management  
(confusing First Downs with Touchdowns)

## The Rosters

### OFFENSE

HSUS, PETA, PCRM, ALDF, Farm Sanc., Mercy 4 Animals

### DEFENSE

Farmers, Ranchers, Commodity Groups, Retailers

### SPECIAL TEAMS

Environmental, Public Health, Labor NGOs

### OFFICIATING CREW

USDA, FDA, EPA, WHO, UK (DEFRA), EU (MEPs), etc.

## We "get" this



D. McNabb



C. Portis



C. Cooley



C. Rabach

## We don't "get" this



OFFENSIVE STARTERS:



**Bruce Friedrich, PETA**



**"Eating meat is not your personal decision, any more than whether somebody beats their child is their personal decision."**

**Neal Barnard, PCRM**

**"Meat consumption is just as dangerous to public health as tobacco use."**



**Dan Kinburn, PCRM**

**"We [should] sue virtually every restaurant in the state of California that is not serving an all-vegetarian diet."**



**Josh Balk, HSUS**

**"We just have to reduce the number of animals that are raised for food."**



**Miyun Park, (then) HSUS**

**(About eggs):  
"[We want] to get rid of the industry."**



**Gene Baur, Farm Sanctuary**

**"I dream of a vegan world—that's where I want everything to go."**





"Consumers can remove their support from this violent [meat] industry by adopting a vegetarian diet."



**It's impossible to fully satisfy an animal rights group.**



## Incrementalism

"If anyone says 'cage-free' is 100 percent humane, 100 percent cruelty-free, that's not accurate."

—Josh Balk, HSUS (July 2009)



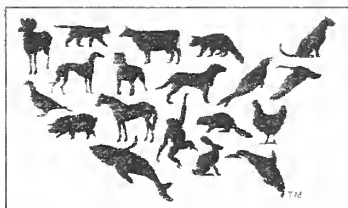
## Incrementalism

"The best thing would be to start with banning the sale of dogs and cats from these pet stores ... [so you don't] attract a set of additional opponents that sink an otherwise achievable goal."



Wayne Pacelle, HSUS (2010)

## A few words about HSUS



## Humane Society of the United States Articles of Incorporation (1954)

No profits shall be made or dividends declared to the members of the corporation or to anyone else, and no substantial part of the activities of the corporation shall consist of the carrying on of propaganda or otherwise attempting to influence legislation or to participate or intervene (including the publishing and distribution of statements) in any political campaign on behalf of any candidate for public office.

[illegible]

**“11 million”?**

(HSUS fundraising letter from Wayne Pacelle, June 2010)

**"11 million"?**

AMERICAN SERVICE AND LEANS ON KNOWLEDGE OF PUBLIC AND  
MEMBER OTHER COMMUNICATIONS AGENCY. PUBLICATIONS PATHWAYS HUNDREDS  
OF ITEMS EACH YEAR, INCLUDING A BI-MONTHLY MAGAZINE SENT EVERY OTHER  
MONTH TO 11.15 MEMBERS. ROAD AND NEWS MEDIA INTER INFORMATION  
TECHNOLOGY TO STUDY AND VIDEO MESSAGE AND NEWS REPORTS ABOUT

Liberty Under Fire

**Membership inflation =  
unearned lobbying clout.**

**U.S. polling**

**Americans who believe HSUS  
"contributes most of its money to  
local organizations that care for  
dogs and cats":**

**59%**

*Source: 2010 Opinion Research Corporation poll of 1,000+ Americans*

**HSUS crib sheet**

**Percentage of HSUS budget  
paid to hands-on dog / cat  
sheltering organizations  
in 2008:**

**0.45%**

## Dogs & Cats



I know that you are a person who is appalled and outraged about animal cruelty, abuse and neglect, and the terrible things that happen to puppies, kittens, dogs, cats and other pets. That's why you joined **The HSUS** in the first place!

## Charity Watchdogs

American Institute of Philanthropy

Charity Navigator

### Why is HSUS enjoying the kind of lobbying clout that PETA could never have?

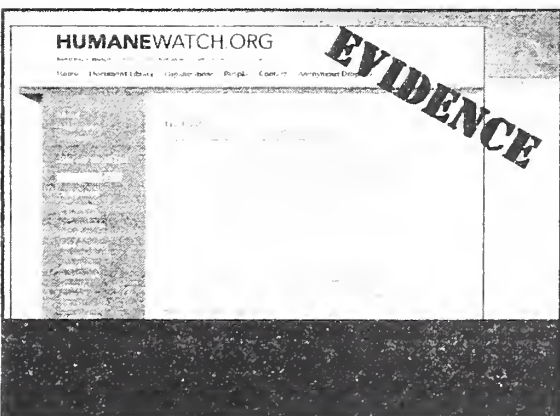
- same agenda (longer trajectory)
- more money (\$132M annually vs \$33M)
- less honesty? (PETA: "Total animal liberation")
- fewer actual members?
- camouflaged radicals

## Trojan Horse

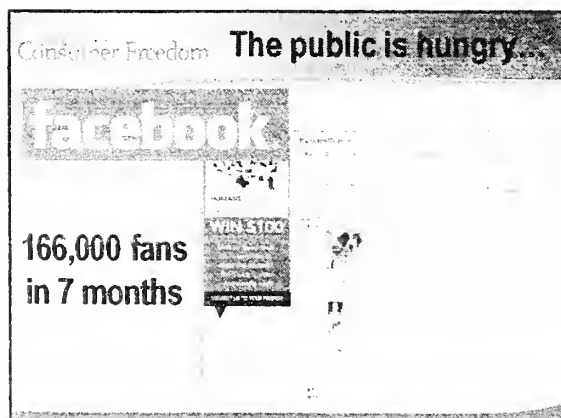
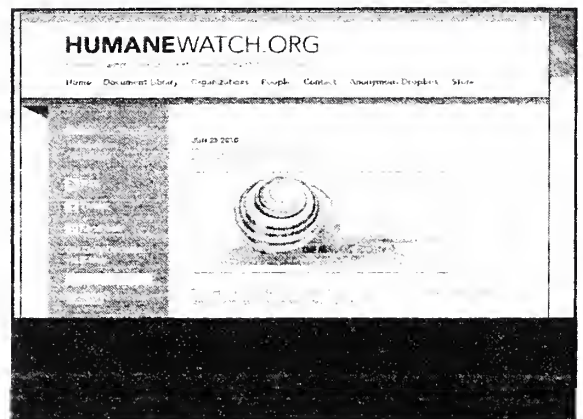
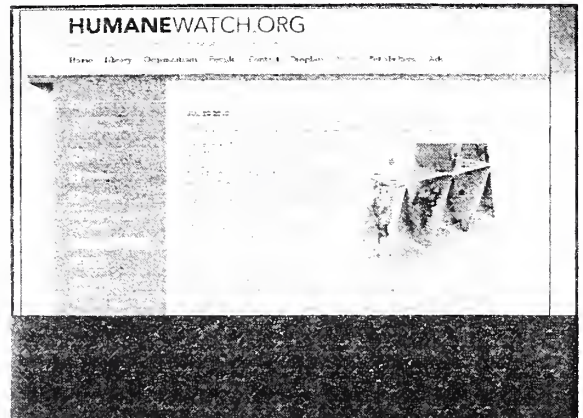
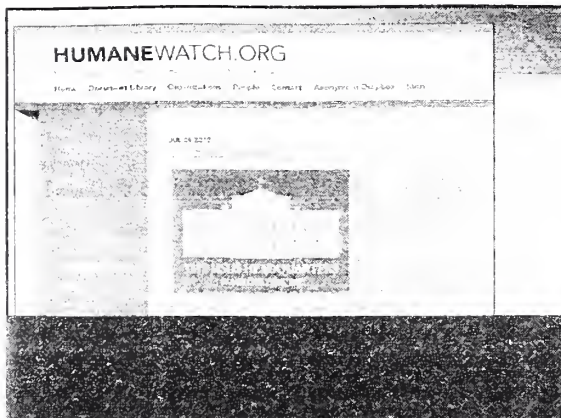
### HSUS's senior staff includes:

- Former Animal Liberation Front spokesman
- Former PETA VP of Investigations
- Former PETA "corporate campaigns" manager
- Former PETA attorneys
- Founding partners, Compassion Over Killing
- "Animal Rights Hall of Fame" Inductee

## A few words about HumaneWatch.org







# Overview of state legislation

Adrian Hochstadt  
American Veterinary Medical Association

## Future Trends in Animal Agriculture Overview of State Legislation

Adrian Hochstadt, JD  
Director, State Legislation  
American Veterinary Medical  
Association  
September 22, 2010

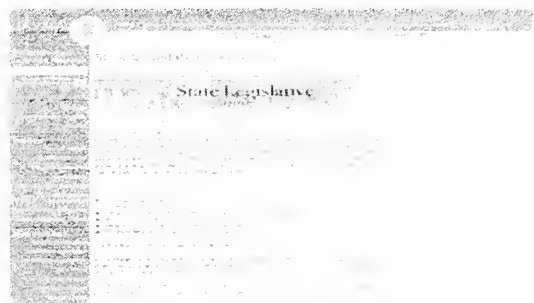
## ***AVMA Assists State VMAs***

- Legislative and regulatory tracking in all 50 states
- So far in 2009-10
  - 188,000 bills introduced. 68,000 bills adopted
  - 2,500 legislative and regulatory alerts sent to individual state VMAs

## ***AVMA Assists State VMAs***

- Collect information
- Analyze legislation
- Assist with drafting language, testimony
- Grass roots training
- Capwiz software discount
- Facilitate coalition building
- Direct involvement

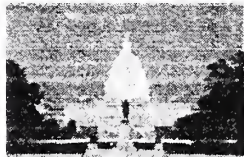
[www.avma.org/advocacy/state/default.asp](http://www.avma.org/advocacy/state/default.asp)



[http://www.avma.org/advocacy/state/legislative\\_updates/default.asp](http://www.avma.org/advocacy/state/legislative_updates/default.asp)

[www.avma.org/advocacy/state/resources/default.asp](http://www.avma.org/advocacy/state/resources/default.asp)

## 2010 State Legislative Update



## Legislative Issues Tracked

- Animal Cruelty
- Animal Abuse Reporting
- Animal Welfare
- Breed-Specific Legislation
- Dangerous Dogs
- Emergency Preparedness
- Euthanasia
- Farm Animal Husbandry Practices
- Guardianship
- Loan Repayment Programs
- Local Government Authority
- Non-Economic Damages
- Domestic Violence Orders of Protection
- Breeder Restrictions/ Pet Retail
- Pet Trusts
- Pharmacy Rules
- Rabies Vaccination
- Complementary and Alternative Medicine
- Spay/Neuter Laws
- Sales Tax
- Unwanted Horses
- Veterinary Technicians
- Veterinary Licensure

## Who can treat animals?

Oklahoma HB 3202 exempts "animal husbandry" and lay equine teeth floating from veterinary practice act

- Teeth floaters must be certified, are regulated. DVM dispenses drugs with VCPR to owner
- Board of Vet Med emergency regulations keep acts of reproductive services (pregnancy diagnosis or prognosis by ultrasound, embryo transfer, and fetal sexing) in definition of veterinary medicine

New Hampshire HB 1525 gives the Board of Vet Med jurisdiction over physical therapists practicing on animals

- referral by veterinarian also required

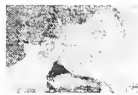
## Illinois HB 5377

- Definition of veterinary medicine includes:
  - performing any manual or mechanical procedure for reproductive management, including the diagnosis or treatment of pregnancy, sterility, or infertility.

**Ohio Board of Veterinary Medicine**  
**Rule 4741-1-13, Livestock Management Practices**

- Non-veterinarians: acts of tagging, ear notching, hoof trimming, deworming, branding, artificial insemination including semen collection, preparation and freezing.
- An owner's agent (employee not independent contractor) with advice and consent of a licensed veterinarian who has provided training and oversight consistent with standard herd management practices: castration, tail docking, non-surgical dehorning, intravenous fluid administration, pregnancy detection other than by rectal technique, medication and biological administration, except for those prohibited by law, and phlebotomy.

**Farm Animals**



Ohio Livestock Care Standards Board -  
 Indiana, Kentucky, Louisiana, Utah,  
 Vermont, West Virginia and others follow

Alabama and Louisiana prohibit local  
 governments from regulating livestock and  
 animal husbandry

**Farm Animals**



- California AB 1437 - Prohibits the sale of a shelled egg for human consumption if it is the product of an egg-laying hen that was confined on a farm or place that is not in compliance with the animal care standards specified in Proposition 2, even if outside of the state.
  - Effective 2015, not applicable to eggs in processed foods
- Voters adopted Proposition 2 in 2008, requiring that hens confined to cages be able to stand up, lie down, extend their limbs and be able to turn around.
  - Cage free or enhanced cages?
  - \$1,000 fine, 180-day jail sentence

**Ohio Compromise**

- Ban the use of veal crates in Ohio by 2017.
- Prohibit any new laying hen facilities in Ohio from using battery cages. Current facilities may continue to use them.
- Any new sow operations will not be permitted to use gestation stalls except "until they are confirmed pregnant" (12/31/10). Existing producers will have to eliminate the use of gestation stalls by 2025. No prohibition on use of farrowing crates.
- Adopt standards regarding euthanasia consistent with what was on the ballot proposal (i.e. follow AVMA guidelines).
- Prohibit as a state requirement downer cows going to slaughter.
- Other issues: cockfighting a felony level offense, regulation of dog breeding, and administrative rules to restrict private ownership of dangerous exotic animals as pets such as bears, lions and chimpanzees.

**Unwanted Horses**



Idaho SB 1316 – humane slaughter is NOT criminal animal cruelty

South Dakota SCR 4 (and several others) – urges Congress and USDA to fund processing inspection program

Wyoming HB 122 - authorizes state to enter into agreements with licensed plants to process livestock meat disposed of by slaughter, including horse

Florida HB 765 - prohibits sale or possession of horsemeat for human consumption that is not marked as such, or not acquired from a licensed slaughterhouse

California SJR 22 - urges Congress to support federal legislation to protect American horses from slaughter for human consumption

**Animals and the Law**



**Pet Protection Orders**  
 (16 states)

Arizona SB 1266  
 Colorado SB 80  
 Minnesota SF 2437  
 Oklahoma HB 2827  
 West Virginia SB 490

**Pet Trusts**  
 (44 states)

Georgia SB 131  
 Oklahoma HB 1641

**Non-Economic Damages**

2009:

Kaufman v. Langhofer, Arizona Court of Appeals

McMahon v. Craig, California Court of Appeals

Goodby v. Vetpharm, Vermont Supreme Court

Sherman v. Kissinger, Washington Court of Appeals

2010:

Smith v. University Animal Clinic, Louisiana Court of Appeal

- Legal outreach program

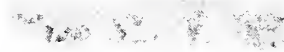


### **Required Reporting: Animal Abuse, Neglect & Cruelty**



- Arizona HB 2612 requires reporting suspected abuse/cruelty/neglect/fighting with 48 hours after exam/treatment
- Virginia HB 1145 provides good faith immunity for reporting

### **Pet Breeders, Dealers, Retailers**



#### **Breeder bills (Adopted 2009-10)**

Illinois SJR 56, Indiana HB 1468, Nebraska LB 241 and LB 910, Maine HB 666, Oklahoma SB 1712, Oregon HB 2470, Tennessee HB 386, Washington SB 5651

#### **Missouri Proposition B (November 2010)**

- Puppy Mill Cruelty Prevention Act – standards, limit of 50 per kennel
- MVMA advocates for enforcing existing laws, funding inspections

### **Pet Breeders Dealers Retailers**



#### **AVMA**

- Speaks out against ballot initiatives as vehicle to set animal welfare policy
- Model Dog Welfare Bill and Regulations – high volume breeders and retailers

#### **Pet lemon laws (Adopted 2009)**

- Connecticut SB 499, Illinois HB 5772, Nebraska LB 241, Oregon HB 2470, Tennessee HB 386
- Illinois HB 5772 requires pet stores, animal shelters and control facilities to disclose important information to consumers, including health history and names and addresses of the animal's breeder and any previous owners, before offering for adoption or sale dogs or cats, (signed in Aug. 2010)

### **Companion Animals**



- Massachusetts HB 344 prohibits surgical debarking of dog or cat unless DVM certifies medical necessity. Only DVM can perform under anesthesia.
- Illinois, Massachusetts, New Jersey, Utah and Wisconsin require bittering agent to be added to engine coolants and antifreeze to make it unpalatable.
- Client protection regulations:
  - protect client's personal privacy, explain benefits/risks of treatments, written consent for euthanasia (Pennsylvania)
  - Written notice to client if animal is left unattended after hours (Nevada)

### **Companion Animals**



- Connecticut and Louisiana make it a crime to tether a dog.
- Louisiana and Georgia prohibit euthanasia of dogs and cats by carbon monoxide gas chambers.
- Illinois bans private ownership of primates.
- Hundreds of bills addressing animal control, animal cruelty, abandonment, abuser registries, animal fighting, racing, dog licensing.

### **For more state legislative information:**

- **Adrian Hochstadt, Assistant Director, Department of State Legislative and Regulatory Affairs**  
(847) 285-6780, [ahochstadt@avma.org](mailto:ahochstadt@avma.org)
- **Tara Southwell, State Policy Analyst**  
(847) 285-6779, [tsouthwell@avma.org](mailto:tsouthwell@avma.org)
- **Ilana Forbes, State Policy Analyst**  
(847) 285-6697, [iforbes@avma.org](mailto:iforbes@avma.org)



***For AVMA's Animal Welfare  
Division contact:***

- **Dr. Gail Golab, Director,  
Animal Welfare**  
(847) 285-6618, [ggolab@avma.org](mailto:ggolab@avma.org)

# The Source of Local and State Legislation: A Look Ahead

Carolyn Orr  
State Agriculture and Rural Leaders

## The Source of Local and State legislation: A Look Ahead

Carolyn L. Orr, Ph.D. P.A.S.  
State Agriculture and Rural Leaders

It's been an active last few years

### Protecting Animals, Domestic Violence

Required reporting of animal  
abuse by veterinarians

State legislation to add  
antifreeze bittering agent  
importation requirements

### Companion Animal Care Guidelines

Canine devoicealization  
Declawing of domestic cats

Free-roaming abandoned & feral cats,  
horses

Companion animal tethering  
prohibitions

Ear cropping and tail docking of dogs

Mandatory spay/neuter laws



Pet lemon laws

Foie gras production

Pet trusts

Tail docking of cattle

Animal disaster plans

### RESOLUTIONS – FALC, ERC, NCSE, SARE

2006

Urging Congress to Allow the Interstate Sale of State Inspected Meat and Poultry

2007

U.S. Horse Processing

Increased Agriculture Research Funding

2008

On Animal Welfare

In Support of Transportation for Horses

2009

In Support of Science-Based Research and Education in Animal Agriculture

In Support of Continued Processing of Horses & the Transportation of Horses for

Processing

Urging Use of Sound Scientific Data

2010

On Establishing Public Policy on Animal Care Standards

In Support of Controlling the Overpopulation of Wild and Feral Horses

In Opposition to Horse Transportation Safety Act of 2009 (H.R. 305)

On Inspection of Equine Processing

### 2010 SARL Model Legislation Resolution

Alabama, Illinois, Indiana, Kentucky, Louisiana,  
Ohio, Utah, Vermont, and West Virginia

### State Legislatures

Citizen Legislatures

Salaries -part-time job with full-time  
commitment

Limited knowledge base

Average 3000 bills every two years

Cannot understand the ramifications of every bill

Go home to their constituencies

Passionate citizens/out of district activists,  
same access

### Lessons from the GMO Issue

Federal regulation of agricultural biotechnology does not  
preempt state and local abilities to regulate

If you can't change laws inside the Beltway...

> 3000 other US jurisdictions are 'fertile' ground

State laws can immediately negate sizeable markets

One state makes for a precedent, but more than one  
state and you have a trend

City and county ordinances also can have immediate  
impact, farms cross jurisdictions

State regulatory authority over plant biotech in  
Arkansas, California, Maine, Minnesota, Oregon and  
South Carolina, Vermont

Some restrictions via rulemaking on animal biotech in  
Alaska, Arizona, California, Maryland and Michigan



Growing rural-Urban Conflicts

Redistricting coming up

Increasing polarization

Single issue legislators

Knowledge of Food/Fuel/Fiber ↓

Rural legislators sometimes feel

endangered and embattled

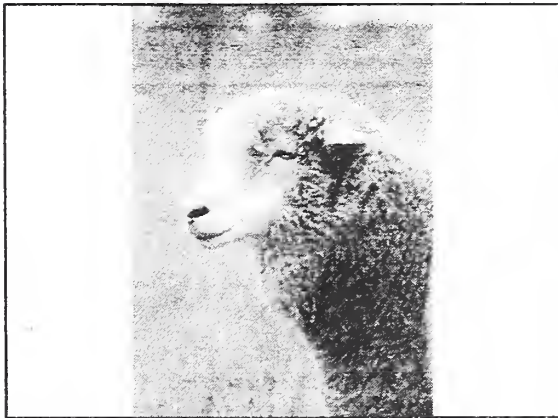
Emotion based arguments

Important for legislators to have facts

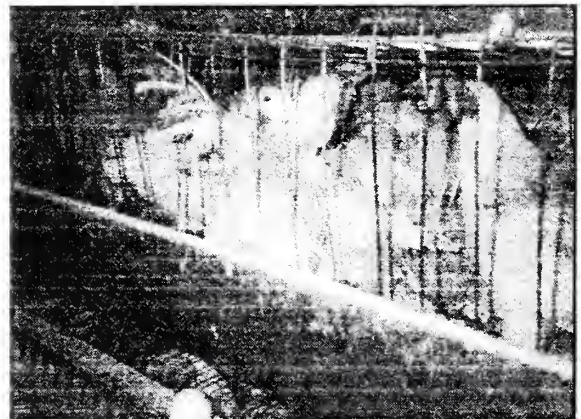
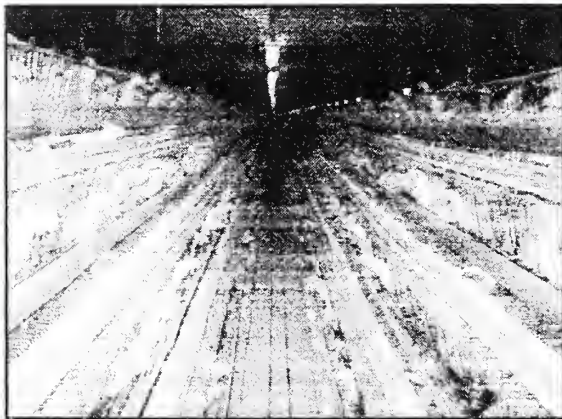
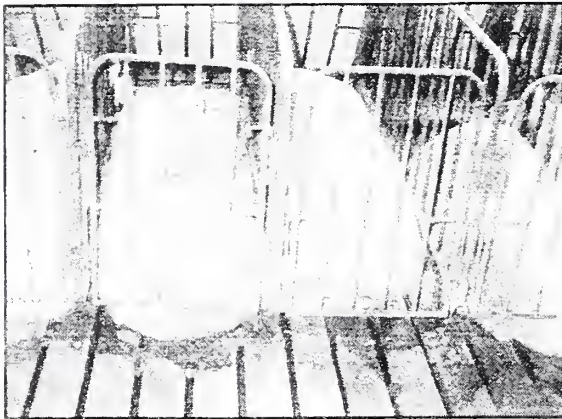
Rural legislators want tomorrow's  
children to have the opportunities they  
had...

**Panel: Which is the best way to address animal welfare issues:  
legislation or market demand?**

Gene Baur  
Farm Sanctuary







"...if one person is unkind to an animal it is considered to be cruelty, but where a lot of people are unkind to animals, especially in the name of commerce, the cruelty is condoned and, once large sums of money are at stake, will be defended to the last by otherwise intelligent people."  
Ruth Harrison, *Animal Machines*





# Summary of CAST's symposium: Sustaining Animal Agriculture: Balancing Bioethical, Economic and Social Issues

Greg Martin  
The Pennsylvania State University

Summary of CAST Symposium:  
*Sustaining Animal Agriculture:  
Balancing Bioethical, Economic &  
Social Issues*

Gregory P. Martin, PhD, PAS  
Penn State University Extension

## Summary

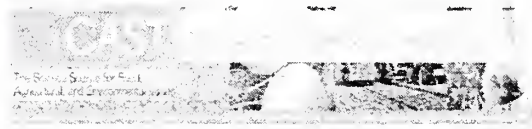
- Food is a **Strategic Resource**
- Competing Ideas of what is normal +/- effects
- Public is removed from production, processing and distribution of food. Who to Believe?
- Small Changes in Food Policy have a huge Impact in certain parts of the food chain.
  - Unforeseen Consequences occur
- Dialog needs to continue – move carefully

## Proceedings Available

- <http://www.cast-science.org>
- This is a large File ! 32 MB
- Download First then view with Acrobat Reader

## Who Is CAST ?

- Council for Agricultural Science and Technology
- Members from soil, plant and animal sciences both in applied and basic research, extension.
- Interests in providing Science Based Information to the public on issues surrounding and facing agriculture and the world environment.





## Focus Points of the Symposium:

- Bioethical & Animal Welfare Issues
- Analysis of Certification and Regulatory Programs
- Integration of Competing Concepts surrounding the ethical use of food animals
- Long-Term survival of our ag system / food security
- Societal and global impacts
- Consequences of decisions by consumer and government decision makers.

## Changing Paradigm



- Not many folks on the farm  
2% Age is increasing
- Shrinking available inputs (land, water) in some areas
- Some climate / soil zones only found in certain areas
- Population continues to grow in world. How do you feed 300 Million?
- U.S. still holds competitive adv in some commodities

## Competing Ideals



Social Imperialistic  
Dominion vs  
Choice

## "Old MacDonaldism"



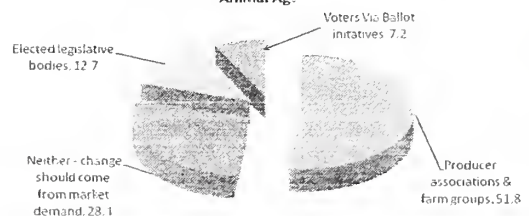
Each system has its challenges and advantages

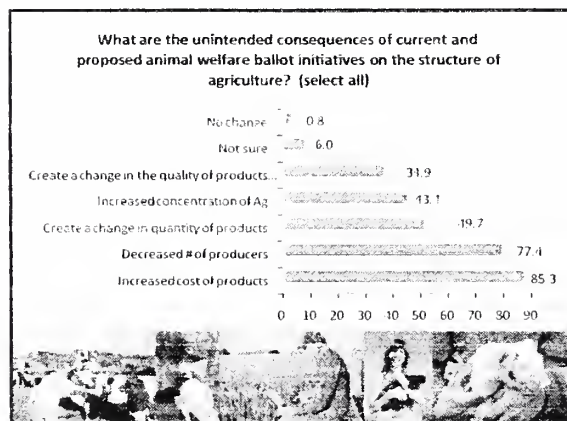
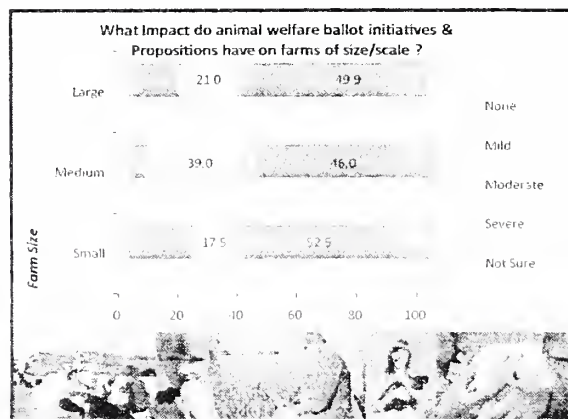
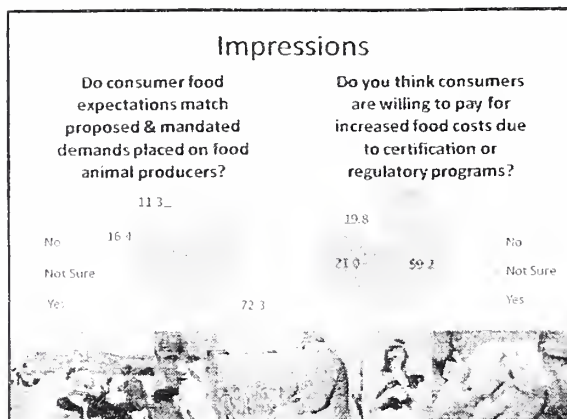
## IMPRESSIONS FROM THE AGRICULTURAL COMMUNITY REGARDING FOOD- ANIMAL WELFARE & AGRICULTURAL REGULATION

Gregory P. Martin, Ph.D., PAS  
The Pennsylvania State University  
Extension  
Southeast Region

## Impressions

Who Should Make Regulatory Decisions Related to Food  
Animal Ag?





- ### Future Implications
- A shrinking Planet; 9-10 Billion people by 2050
  - Doing more with less – water, etc.
  - Producing more on a smaller footprint
    - Ag 58% of usable soils
    - Plant / Animal Breeding may play a part.
  - Trade will continue to grow for some.
    - Still less than 10% of country production
  - Carbon and OM will vary by commodity.
- Jason Clay

- ### Strategies to Freeze Food Footprint
- Genetics
    - 10 crops account for 80-85% of calories consumed
  - Better Management Practices
    - Reduced impacts globally
  - Technology to aid in production
  - Degraded Land – reclaim and improve

- ### Strategies to Freeze Food Footprint cont.
- Property Rights – owners do better
  - Waste – post harvest food waste
  - Over consumption – need to feed all people
  - Carbon – Look at carbon credits to make production more feasible.

## Thank You

Gregory P. Martin, Ph.D., PAS  
Pennsylvania State University Extension

[gpm10@psu.edu](mailto:gpm10@psu.edu)

<http://drbirdnotes.blogspot.com/>

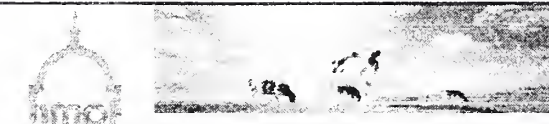
[www.cast-science.org](http://www.cast-science.org)



# Panel: The Impact of Certification and Regulatory Programs on the welfare of farmers and animals


## National Milk Producers

Jamie Jonker  
National Milk Producers



**The Impact of Certification and Regulatory Programs on the Welfare of Farmers and Animals**


Jamie Jonker  
Vice President, Scientific & Regulatory Affairs



### New Media Challenges

**CONNECTIVITY Creates Confusion**


- ✓ Consumers increasingly concerned about the food they purchase
- ✓ Sources of information coming from the Internet through sites like YouTube and Facebook with blogs, photos and videos
- ✓ Activists utilize web pages and email to get signatures for petitions and letters to Congress and local governments



### Voluntary Vs. Regulation

**Voluntary vs. Regulation**

- ✓ Allows adaptability of guidelines and standards based on current science and needs
- ✓ Program rests in hands of the experts
- ✓ Independent verification of programs ensures credibility



### Voluntary Vs. Regulation

**Voluntary vs. Regulation**

- ✓ Regulatory process is too slow to adapt to market needs
- ✓ Outside influences on the regulatory process can hinder use of scientifically valid practices



The National Dairy Farm Program



## National Dairy FARM Program™

### WHY National and WHY Now?

Bolster trust and confidence in the U.S. dairy industry and demonstrate the industry's commitment to the highest levels of animal care and quality assurance

- ✓ Consumers
- ✓ Food Processors
- ✓ Retailers
- ✓ Restaurant Chains



## National Dairy FARM Program™

### PROGRAM Management

- ✓ Directed by the National Milk Producers Federation, with support from Dairy Management, Inc.
- ✓ Nationwide, verifiable animal well-being program providing consistency and uniformity to best practices in animal care and quality assurance
- ✓ 10-member advisory panel named to help guide the program's development



## National Dairy FARM Program™

### THREE-STEP Approach

- ✓ Education
  - Animal Care Manual, Quick Reference User Guide, Animal Care DVD
  - All materials available online in English and Spanish
- ✓ On-Farm Evaluation
- ✓ Third-Party Verification

*Voluntary and available to all producers*



## National Dairy FARM Program™

### ANIMAL Care Manual

- ✓ Developed by Technical Writing Group
  - Overseen by NMPF Animal Health and Welfare Committee
- ✓ Industry-wide Review
  - Cooperatives, Producer Associations, Processors
  - AABP Animal Welfare Committee
  - AVMA Animal Welfare Committee
  - Beef Quality Assurance Program
  - American Humane Certified Scientific Advisory Committee
  - Dr. Temple Grandin, Colorado State University



## National Dairy FARM Program™

### ANIMAL Care Manual

Reflects:

- ✓ Current best practices
  - Animal health from birth to end of life
  - Environment and facilities
  - Nutrition
  - Transportation and handling
- ✓ Innovations and technology





## National Dairy FARM Program™

### ABBREVIATED Table of Contents

- Chapter 1 – Introduction
- Chapter 2 – On-Farm Evaluations
- Chapter 3 – Management: SOP, Training, Record Keeping
- Chapter 4 – Newborn
- Chapters 5 – 8 Lifecycle from Weaning to Maturity
  - ✓ Nutrition
  - ✓ Animal Health
  - ✓ Environment and Facilities
  - ✓ Handling, Movement and Transportation
- Chapter 9 – Special-Needs Animals
- Chapter 10 – Dairy Beef
- Chapter 11 – Third-Party Verification



## National Dairy FARM Program™

### On-Farm Evaluations

- ✓ Over 275 evaluators trained
- ✓ Three "Train-the-Trainer" sessions held in MN, CA, and PA
- ✓ Over 50 trainers certified to hold evaluator training sessions
- ✓ Evaluator training session held at AABP annual meeting. 20 veterinarians certified



## National Dairy FARM Program™

### Third-party Verification

- ✓ Participating farms chosen through statistical sampling
- ✓ Designed to demonstrate the integrity of the program
- ✓ Provide statistically verified data confirming that proper animal care is expectation
- ✓ Annual process



## National Dairy FARM Program™

### PROGRAM Timeline

- October 2009
  - ✓ Program launched to industry, customers and consumers
- 2Q 2010 (on-going)
  - ✓ Evaluator training
- 3Q 2010 (on-going)
  - ✓ On-farm evaluations
- 2011
  - ✓ Third-party verification



## National Dairy FARM Program™

### PROGRAM Participation

September 2010

- ✓ Participation information sent to over 100 cooperatives and proprietary processors
- ✓ Independent producers can participate
- ✓ Information on how to participate online at [www.nationaldairyfarm.com/participation/html](http://www.nationaldairyfarm.com/participation/html)




## National Dairy FARM Program™

### OUTREACH to Retailers









# National Dairy FARM Program™

[www.nationaldairyfarm.com](http://www.nationaldairyfarm.com)




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# Panel: Global Trade and Animal Welfare Issues

OIE


Erick Nichols  
APHIS/USDA



## International Services

**Animal Welfare and International Trade**  
Roles of the WTO, OIE and Private Standards


September 2010



## Animal Welfare and WTO

- Globalization of food supply chain incorporates developing countries into mix
- WTO seeks to discourage protectionism that would undermine this trend
- However, as supermarkets and processors seek to package attributes of food, including environmental, AW, labor conditions, WTO guidance is less certain
- Life-cycle analysis of food production process stimulating private standards where public standards do not exist (e.g. carbon foot print)

September 2010



## Early Proposals to include Animal Welfare in WTO

- 2000, EU proposed that WTO rules be established for AW
- EU concerned that its producers, held to high (and costly) AW standards, would be at competitive disadvantage from imports
- Concerns most acute in relation to highly-intensive and industrialized production methods for poultry and pigs, most often found in developed countries (e.g. USA)
- Proposal included compensation to developing country producers who could not afford it

September 2010



## Animal Welfare and OIE

- 2000, OIE takes on AW as a strategic area
  - Avoid unjust trade barriers, science-based, transparent standards development
- 2002, created permanent on AW wg
- 2003, adoption of OIE AW principles
- 2004, 1<sup>st</sup> AW OIE global conference (Paris)
  - Established OIE leadership in AW
  - Increase visibility of OIE AW work
- 2005, adoption of global standards on AW
  - Transport of animals; Humane slaughter, Killing for disease control
- 2008, 2<sup>nd</sup> global conference (Cairo)
  - Support development of AW legislation, educate Veterinary Services worldwide

September 2010

**Future OIE work on AW**

- Livestock production systems standards
  - Broiler chickens – 2011
  - Beef production – 2011
  - Dairy and swine production – 2012?
- Farmed fish, laboratory animals, stray dogs
- Raise awareness at national levels of OIE AW standards and adoption of them
- Seek to limit AW activities to those governed by international standards, thereby avoiding proliferation of narrow, disparate private AW standards that disadvantage developing countries and individual farmers

September 2010

**Animal Welfare, Private Standards and OIE**

- Industry motivated by need to meet customer expectations as reflected by spend patterns
- Private standards designed to ensure all players in the production chain meeting expectations, including organic, environmental, AW, labor conditions
- 2007, OIE partners with industry (SSAFE)
- 2008, OIE creates ad hoc group to examine animal health, AW and private standards
- 2009/10, OIE sends questionnaire to Members and role of private standards

September 2010

**OIE Questionnaire on PS**

|                              | Private Standards for Animal Welfare |          |                 |          |
|------------------------------|--------------------------------------|----------|-----------------|----------|
|                              | create problems                      |          | create benefits |          |
|                              | agree                                | disagree | agree           | disagree |
| Developed countries<br>(26)  | 13%                                  | 76%      | 29%             | 0%       |
| Developing countries<br>(25) | 27%                                  | 30%      | 30%             | 40%      |

September 2010

**OIE Resolutions on AW and PS**

- 2010: standards for animal health should be covered by WTO/SPS, whereas AW standards should be covered separately (TBT?)
- Promote implementation of OIE AW standards as reference standards that apply globally, and speed up development of new ones
- Strengthen OIE linkages with PS bodies, and encourage their use of OIE standards
- VS should take steps to harmonize domestic AW standards w/ OIE standards

September 2010

**Conclusion**

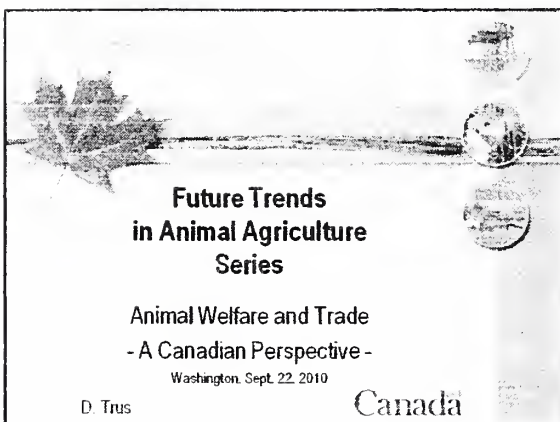
- Globalization of food supply chain extends across developed and developing countries
- WTO disciplines on science-based sanitary import measures facilitate this trend, but leaves AW unaddressed
- Early efforts to incorporate AW into WTO unsuccessful, but OIE takes up task of developing AW standards
- Customer preferences for organic, AW, other attributes spurs private standards
- OIE partnering with stakeholders to develop science-based, out-put based AW standards

September 2010

# Panel: Global Trade and Animal Welfare Issues

## Canada

David Trus  
Agriculture & Agri-Food Canada



### The Challenge of Change

- Animal husbandry to animal welfare
- Science of animal welfare has developed considerably
- Farming has changed considerably
- Demographics have changed considerably
- Public visibility of animal welfare is changing considerably
- Legal issues regarding animals changing rapidly
- Will animal welfare issues have an impact on international trade?

### Animal Welfare and Trade - Canada

- As of 2010, there are few regulated limitations on the farmed animal and animal product trade, specific to animal welfare.
- **Imports:** Canada does not impose special animal welfare conditions on animals or animal products being imported into Canada.
- **Exports:** Canada is potentially concerned, if mandatory animal welfare measures were to be imposed as a condition of import, that are not related to the protection of animal health (esp. infectious disease control) or to ensure food safety.

### Noticeable Impacts on Trade

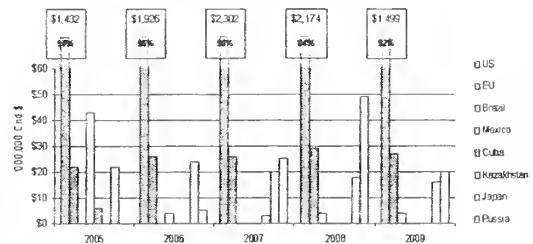
- Pressure on processors to meet foreign buyer audit requirements
- Retailers and food-service urging auditable standards
- Exposés, undercover activities, activists, campaigns requiring reaction/response
- Increased product categories, claims, product branding ???
- Ban on seal products to EU
- Pending EU issues – implementation of sow stalls directive; slaughter regulations

## Canada is an Exporting Nation

- **Exports:** Pork and beef are Canada's largest animal product exports.
- Unique animal export categories include bison, horse meat, and furs.
- **Imports:** (1) Live animals - Horses and cattle represent the largest value categories; (2) Animal products - Beef and pork are the largest value commodities.
- Dairy, poultry and eggs are under supply management in Canada so are limited in their trade implications

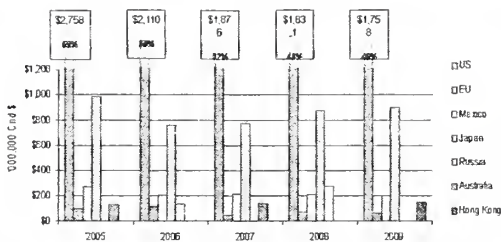
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## Canadian Agri-Food Exports: Live Animals Top Destinations 2005-09



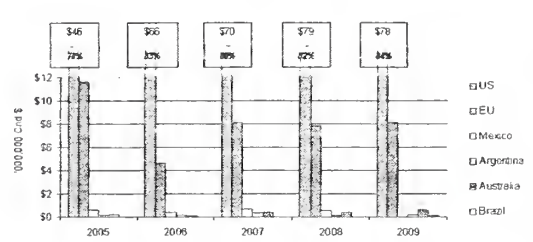
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## Canadian Agri-Food Exports: Animal Products Top Destinations 2005-09



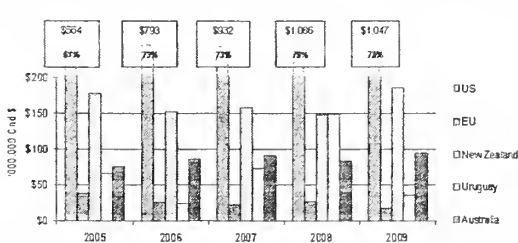
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## Canadian Agri-Food Imports: Live Animals Top Countries of Origin 2005-09



10

## Canadian Agri-Food Imports: Animal Products Top Countries of Origin 2005-09



11

## Canada's Animal Welfare Approach

### 1. Legislated Infrastructure

- *Criminal Code* animal cruelty provisions target intentional abuse and cruelty
- Humane transport regulations enforced by Canadian Food Inspection Agency (CFIA) that apply across all species
- Humane slaughter regulations (CFIA) in federally inspected facilities
- Provincial legislation

### 2. Stakeholder-led forum

- National Farm Animal Care Council (NFACC) includes: national commodity groups, research/academia, animal advocacy groups, veterinarians, trucking industry, processing sector, retail/distribution sector and governments ex officio
- Forum to share information, track domestic and international developments, develop strategies, coordinate development of Codes of Practice and promote standardized assessment

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## Current Status

### 3. Recommended Codes of Practice for the Care and Handling of Farm Animals

- Developed starting in 1950
- Available for most major farm animal species
- Vehicle for on-farm delivery of international standards
- Government contributing \$3.4 million to update Codes

### 4. Implementing Standards - Compliance Mechanisms

- Developed separately for each individual farmed animal group but may be coordinated through NFACC
- Canadian Pork Council and Chicken Farmers of Canada first to develop on-farm welfare quality assessments
- Certified Livestock Transport program - <http://www.livestocktransport.ca/>

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## Changing International Climate

### • European Developments

- Food Scare: Amsterdam Treaty: Directives banning certain methods of production; CAP cross-compliance; EP vote for new food safety regulations for clones; Animal Welfare Action Plan; Lisbon Treaty: Consumer rights

### • U.S. Developments

- MacDonald's audit requirements; FMM/RCR process to audit suppliers; Horse slaughter ban; State ballot initiatives/legislation

### • Australia

- Deaths of sheep at sea; Animal welfare strategy

### • New Zealand

- Animal Welfare Strategy

### • OIE (World Organisation for Animal Health) takes on role

- 2002 inauguration of Animal Welfare Working Group; Agreement on first international guidelines in 2005

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## Multilateral Trade

- Canada is an active participant in the World Organisation for Animal Health (OIE)
- Canada supports the collaborative development of objective, science-based international guidelines for animal welfare under the OIE
- The OIE animal welfare guidelines may be referenced by countries in multilateral or bilateral agreements.

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## Multilateral Trade

### Technical Barriers to Trade Agreement

2.2 Members shall ensure that technical regulations are not prepared, adopted or applied with a view to or with the effect of creating unnecessary obstacles to international trade. For this purpose, technical regulations shall not be more trade-restrictive than necessary to fulfil a legitimate objective, taking account of the risks non-f fulfilment would create. Such legitimate objectives are, inter alia, national security requirements, the prevention of deceptive practices, protection of human health or safety, animal or plant life or health or the environment.

2.4 Where technical regulations are required and relevant international standards exist or their completion is imminent, Members shall use them, or the relevant parts of them, as a basis for their technical regulations except when such international standards or relevant parts would be an ineffective or inappropriate means for the fulfilment of the legitimate objectives pursued, for instance because of fundamental climate or geographical factors or technological problems.

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## Bilateral Trade

### NAFTA

- The United States, Canada and Mexico have committed to making our technical requirements "compatible" also taking into account international standards.
- The OIE international animal welfare guidelines can serve as a basis for Canada, Mexico and the United States to work together to address animal welfare issues.

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## Bilateral Trade

### Other Countries

- Canada is currently negotiating a Comprehensive Economic and Trade Agreement with the European Union.
- Canada also has trade agreements with Chile, Israel, Peru, Costa Rica, Columbia, Jordan, Panama and is negotiating with other countries.
- Bilateral trade agreements may provide a basis for cooperation among countries in giving visibility to and in implementing the OIE guidelines for animal welfare.

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## Private and Non-government Mechanisms

- Government regulations alone, are not the most effective way to handle animal welfare issues. Non-government mechanisms can play a role as well.
- Private Standards have been raised as a concern by the OIE as potentially undermining the OIE animal welfare guidelines.
- Private standards are not a preferred approach to address animal welfare in the long term, if they are not objective and science-based, or are trade restrictive.
- A focus only on standards, may be misleading and could result in few animal outcome benefits, if they are used primarily as a marketing tool.

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## Private and Non-government Mechanisms

- Canada's approach is to support the collaborative development of national standards through the National Farm Animal Care Council, as a basis to incorporate the OIE guidelines.
- In conjunction with its regulatory framework, Canada's standards-based approach can be effective in bringing about practical improvements which are beneficial to animals, industry and consumers.
- However, clear market signals are a key element for making a standards-based (non-government) mechanism work effectively.

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## Welfare Considerations for Imports - Humane Transport -

- **Health of Animals Regulations:** Defines conditions for the humane transportation of all animals entering, leaving or transported within Canada by all modes of transport (land, sea and air).
- **Prohibitions:** Overcrowding; transportation of incompatible animals in the same compartment; transportation of animals unfit to travel.
- **Require:** Appropriate conditions for loading and unloading of animals; adequate feeding and watering regimes; maximum transit times; minimum rest periods; bedding requirements.
- **Unfit animals:** Animals that become unfit during transit must not be transported beyond the nearest suitable place where they can receive proper medical care.

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## Humane Transport

- **Enforcement:** CFIA enforces the regulations through routine inspections (mainly at slaughter plants and assembly yards), unannounced inspections (roadside blitzes) and in response to reports of non-compliance.
- Animals that are presented at the border for entry into Canada must be transported in compliance with Part XII of the Health of Animals Regulations.
- A shipment that is non-compliant will not be transported further into Canada and will be ordered removed from the country.

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## Canada's Exports

### Seals (Case Study)

- **Seal product ban by the EU** - The European Parliament voted on May 5, 2009 to severely restrict the import of seal products, citing the seal hunt as "inherently inhumane".
- During the debate in the European Parliament, Arlene McCarthy (MEP) stated: "The USA has had a ban for many years... This is a political issue that now has its time."

[N.B. The U.S. bans the import of all marine mammals, following the 1972 passage by Congress of the Marine Mammal Protection Act as an ecosystem protection measure. A U.S. Congressional Research Service report of 6 April 1999 acknowledged this may inconsistent with WTO.]

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## Canada's Exports

### Seals (Case Study)

- Canada laid an official complaint to the WTO in November 2009 and has announced it will seek establishment of a WTO dispute settlement panel this fall.
- The EU implementing measures (i.e. trade restrictions) came into effect Aug. 20, 2010 (H.B. legal delay).
- Meanwhile, the U.S. Senate passed a resolution on May 7, 2009 which suggests that animal welfare related restrictions on trade may be justified.
- What are the implications for U.S. and Canadian livestock exports if animal welfare concerns (justified or otherwise) can be used to limit trade?

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### Other Trade Issues – Watch List

- EU implementation of sow stall directive
- EU proposed change in food safety regulations (for clones) to include welfare
- U.S. individual state legislation
- Israeli bill to ban fur imports
- U.S. developments on horse slaughter
- Coordination of U.S. strategy on animal welfare (?)

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### Animal Welfare and Trade Future Challenges

- Make market signals (producer-consumer) work
- National standards and implementation for each country, consistent with OIE (ref TBT article 2.4)
- Keeping animal welfare science-based and focused on animal outcomes
- Keeping the science community together
- Preventing proliferation of labels and claims that would create cynicism and undermine efforts
- De-linking animal welfare from other method of production concerns.

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### Annex I Animal Welfare

- **Operational science-based definition (short version):**  
Animal welfare is the measure of an animal's ability or inability to cope with stressors, which may be physical (e.g. pain, injury), physiological (e.g. environmental or disease stressors) or psychological (i.e. affecting the senses, especially that result in fear, fighting, distress, or stereotypic behaviours due to either frustration or boredom)  
*[AAFC-CFIA Animal Welfare Coordinating Committee]*

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### Annex II Recommended Codes of Practice Status

| Species                        | Original | Revised | Status                             |
|--------------------------------|----------|---------|------------------------------------|
| Poultry                        | 1983     | 1989    | Split into 2 codes in 2003 (below) |
| Pigs (Laysan and 5 part)       |          | 2003    |                                    |
| Fowl                           |          |         |                                    |
| Chickens, Turkeys and Breeders |          | 2003    |                                    |
| Pigs                           | 1984     | 1993    | Scheduled revision                 |
| Pigs (SEW) - addressed         | 2003     |         |                                    |
| Veal Calves                    | 1982     | 1998    |                                    |
| Reared Mink                    | 1988     |         | Scheduled revision (with mink)     |
| Reared Fox                     | 1989     |         | Completed under WPA/CIP process    |
| Dairy Cattle                   | 1990     | 2009    |                                    |
| Beef Cattle                    | 1991     |         | Scheduled revision                 |
| Sheep                          | 1993     |         |                                    |
| Farmed Deer                    | 1996     |         |                                    |
| Horses                         | 1998     |         | Scheduled revision                 |
| Bunnies                        | 2001     |         |                                    |
| Transport                      | 2001     |         | For revision pending regulations   |
| Goats                          | 2007     |         |                                    |

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# NOTES





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